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Attorneys for USACM Liquidating Trust

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

In re:

USA COMMERCIAL MORTGAGE
COMPANY,

USA CAPITAL REALTY ADVISORS,
LLC,

USA CAPITAL DIVERSIFIED TRUST
DEED FUND, LLC,

USA CAPITAL FIRST TRUST DEED
FUND, LLC,

USA SECURITIES, LLC, Debtors.

Affects:

- ☐ All Debtors
- ☒ USA Commercial Mortgage Company
- ☐ USA Capital Realty Advisors, LLC
- ☐ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA Capital First Trust Deed Fund, LLC
- ☐ USA Securities, LLC

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR
Case No. BK-S-06-10729-LBR

CHAPTER 11

Jointly Administered Under Case No.
BK-S-06-10725 LBR

***EX PARTE* MOTION FOR
EXTENSION OF TIME TO
RESPOND TO OBJECTIONS TO
MOTION FOR SUMMARY
JUDGMENT
(with Certificate of Service)**

The USACM Liquidating Trust (the "USACM Trust") moves this Court for an order extending the deadline to respond to objections filed to the Motion for Summary Judgment Regarding (1) Responses To The USACM Trust's First Through Thirty-Third Omnibus Objections To Claims Asserting A Secured Status; (2) Responses to USACM Trust's First Through Third Omnibus Objections To Claims Asserting A Priority Status;

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1 And (3) Newly Alleged Secured And Priority Claims [DE 4291] (the “Motion for
2 Summary Judgment”) that was filed on July 30, 2007.

3 On July 30, 2007, the USACM Trust filed its Motion for Summary Judgment. The
4 Motion seeks to reclassify approximately 109 claims in the aggregate amount of over
5 \$8,000,000.00. Under this Court’s Local Rules, the deadline to file oppositions to the
6 Motion was August 17, 2007; and the USACM Trust’s response to the oppositions is due
7 on August 31, 2007.

8 Responses to the Motion for Summary Judgment were filed by:

- 9
- 10 • Jack S. Tiano Accountancy Corp [DE 4472] on August 8, 2007;
 - 11 • Erna D. Grundman and Joanne M. Grundman [DE 4492] on August 13,
12 2007;
 - 13 • Larry and Patsy Rieger [DE 4548] on August 16, 2007;
 - 14 • Michael Petersen [DE 4571] on August 17, 2007;
 - 15 • Edward Kline and Leah Kline Family Trust [DE 4508 and 4509] August 14,
16 2007; and
 - Osvaldo Zunino Living Trust dated 12/18/98.

17 In addition, Wynn Gunderson was granted an extension of time by the USACM
18 Trust’s to file an objection to the motion until September 20, 2007, as a courtesy to
19 counsel.

20 The hearing on the Motion for Summary Judgment is scheduled for October 15,
21 2007 at 9:30 a.m.

22 Rather than file a separate reply memorandum on each objection, the USACM
23 Trust is preparing one reply memo. In order to respond to each objection, the Trust has
24 to research the basis for the claim, obtain and review documentation that substantiates the
25 claim. The Trust has updated lien searches and reached out to Mesirow Financial Interim
26 Management for responses to some of the allegations made. Unfortunately, the process

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1 has taken more time than anticipated and will not be concluded until as late as Friday,
2 September 15, 2007.

3 If this Court grants the request for an extension, the claimants and the Court will
4 not be prejudiced, as they will have a month to consider the reply before the scheduled
5 hearing.

6 Although this is presented on an *ex parte* basis, counsel for the USACM Trust are
7 personally attempting to contact each affected creditor or creditor's counsel to advise
8 them of the request.

9 For these reasons, the USACM Trust requests an extension of time allowing the
10 Trust until September 15, 2007 to file a response to the objections to the Motion for
11 Summary Judgment.

12 Dated August 31, 2007.

13 **LEWIS AND ROCA LLP**

14
15 By /s/ RC (#006593)

Susan M. Freeman, AZ 4199 (pro hac vice)

16 Rob Charles, NV 6593

17 *Attorneys for USACM Liquidating Trust*
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Proof of service

Copy of the foregoing served on August 31, 2007 via email, where an email address is listed, or by first class mail, postage prepaid, addressed to all parties in interest listed on the Post Effective Date Service List on file with this Court and to the following parties:

Jack S Tiano Accountancy Corp
116 W El Portal, Suite 103
San Clemente, CA 92672

Erna D. Grundman
114 E Yolo Street
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Grundman, Joanne
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Larry L & Patsy R Rieger Trustees
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Michael Petersen
John F. O'Reilly
O'Reilly Law Group, LLC
325 S. Maryland Parkway
Las Vegas, NV 89101

Edward & Leah Kline Family Trust Dtd 7/9/91
c/o Edward & Leah Kline Trustees
9932 Arbuckle Drive
Las Vegas, NV 89134-7530

Osvaldo Zunino Living Trust Dtd 12/18/98
c/o Osvaldo Zunino Trustee
3575 Tioga Way
Las Vegas, NV 89109

Wynn A. and Lorraine J. Gunderson
33941 N. 67 Street
Scottsdale, AZ 85262-7250

/s/ Christine E Laurel
Lewis and Roca LLP